IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 746 of 2005

Between:

Durgam Lingaiah, S/o. Ellaiah, President MPP, Ramagundam
R/o. Jayaram Village, Ramagundam Mandalam, Karimnagar District.

..... PETITIONER

AND

The Revenue Divisional Officer, Peddapalli, Karimnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus; i) declaring the proceedings of the Respondent issued in form-V in Ref.No.D/35/2005-1, dt. 10.1.2005 as arbitrary, illegal, violative of the articles 14 of the constitution of India and contrary to the provisions of the A.P. Panchayat Raj Act and Rules made therein and consequently setaside the same.

Counsel for the Petitioner:MR.A.SUDERSHAN REDDY

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed questioning the motion of no-confidence issued vide proceedings dated 10-1-2005. The petitioner claims to be elected as President of Mandal Praja Parishad, Ramagundam and discharging his duties Mandal Parishad Territorial Constituency. While so, the impugned notice dated 10-1-2005 was issued for considering the motion of no-confidence as against the petitioner. The petitioner challenges the same on two grounds, firstly that form-II notice submitted by the members to express the no-confidence is not in order and it does not contain the names of persons who delivered the same and secondly that the signatures on the notice of intention to move a no-confidence were obtained by fraud and coercion.

The Government vide G.O.Ms.No.200 P.R & R.D. (Mandal-I) dated 28-4-1998 prescribed Rules relating to motion of no confidence. Rule 2, prescribes that the intention to make the motion shall be made in prescribed form signed by not less than one-half of the total number of members of the Gram Panchayat, Mandal Parishad, or Zilla Parishad as the case may be, together with a copy of the proposed motion, and shall be delivered in person by any two of the members who signed such notice, to the Revenue Divisional Officer.

The learned Government Pleader for Revenue, on instructions submitted that the allegations made in the writ petition are baseless and far from truth and produced

the relevant record.

A perusal of the records, shows that the form –II submitted to the Revenue Divisional officer on 10-1-2005 contains signatures
of 8 members and two of them viz., Puli Satyanarayana Goud of Elkalapalli and Urimetla Rajalingaiah of Murmour had delivered the same to the Revenue Divisional Officer, in person. The Mandal Parishad Development Officer also made an endorsement on the said notice to the effect that “signatures of all the above signed members have been verified with office records and found tallied”.

In view of the above, the allegations made by the petitioner that the procedure contemplated under law was not followed while moving the notice of no-confidence cannot be accepted. There are no merits warranting interference of this Court. The writ petition fails, and the same is dismissed. No costs.

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N.V.RAMANA,J

27-1-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Revenue Divisional Officer, Peddapalli, Karimnagar District.

2.2CCs to Government Pleader for Panchayat Raj and Rural Development, High Court buildings, Hyderabad (OUT)

3.2CD copies